

**CITY OF ELSMERE, KENTUCKY  
ORDINANCE 1768-2019**

**AN ORDINANCE AMENDING CHAPTER 150 OF THE ELSMERE  
CODE OF ORDINANCES TO ADJUST THE SCHEDULE OF ZONING  
AND TO MAKE OTHER ADJUSTMENTS.**

**WHEREAS**, the City of Elsmere is contracting with Planning and Development Services of Kenton County (PDS) to conduct zoning services within Elsmere, and that any fees charged shall be retained by PDS as payment for providing these services; and,

**WHEREAS**, the modification of these fees is necessary to ensure the safety and health of the citizens and businesses within the City of Elsmere.

\* \* \*

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ELSMERE, KENTON COUNTY, KENTUCKY:

**SECTION I**

That Chapter 150, entitled “Building Regulations,” of the Elsmere Code of Ordinances shall be amended as follows:

**§150.01 ADOPTION OF KENTUCKY BUILDING CODE; INTERNATIONAL RESIDENTIAL CODE; STANDARDS OF SAFETY.**

The Kentucky Building Code, as promulgated in 815 KAR 7:120 or any other applicable regulation, and the Kentucky Residential Code promulgated in 815 KAR 7:125 or any other applicable regulation by the Board of Housing, Buildings and Construction, Commonwealth of Kentucky, the Kentucky Plumbing Code, as contained in Chapter 20, Title 815 of the Kentucky Administrative Regulations, together with any amendments, are hereby adopted by reference as if fully set forth in this code of ordinances. Copies of the above codes and any amendments thereto shall be placed on file in the office of the City Clerk, where they shall be available for public inspection during normal business hours.

**§ 150.02 ENFORCEMENT OF BUILDING AND PLUMBING CODES; APPEALS.**

The Building Inspector or Planning and Development Services of Kenton County (if so contracted for building inspection services within the City of Elsmere), shall be charged with the enforcement of the provisions of the Building Code adopted in § 150.01. All building code inspections shall be performed by persons certified by the Kentucky Department of Housing, Buildings and Construction or other applicable Kentucky regulatory agency. All electrical inspections shall be performed by a certified electrical inspector specifically approved by this jurisdiction or an electrical inspector employed by or under contract with Planning and Development Services of Kenton County.

**§ 150.03 ADOPTION OF THE KENTUCKY FIRE PREVENTION CODE (STANDARDS OF SAFETY).**

The Kentucky Fire Prevention Code (Standards of Safety) as promulgated in 815 KAR 10:060, and any subsequent amendments, is hereby adopted in full by the City of Elsmere. Copies of this code are available for review or acquisition through the Kentucky Department of Housing, Buildings, and Construction.

**§ 150.04 DESIGNATED ENFORCEMENT OFFICER.**

The Chief of the Elsmere Fire District or subsequent agency, or his or her designee, is hereby designated as the local enforcement agent for the Standards of Safety within the City of Elsmere. All final decisions of the fire code official shall be appealable to the Elsmere Board of Adjustment.

**§ 150.05 ELECTRICAL INSTALLATIONS AND INSPECTIONS.**

(A) All electrical wiring within the boundaries of the city shall, when installed for the purpose of being connected to a source of electrical energy, be sufficiently insulated, supported, and protected to be reasonably free from hazards to life and property caused by overloading, short circuiting, and improper protection or installation of electrical equipment. All electrical wiring shall be in full compliance with the National Electrical Code and § 150.01. Failure to comply shall be prima facie evidence of the violation of this section.

(B) The mayor shall designate an electrical inspector or Planning and Development Services of Kenton County (PDS) to make necessary inspections in order to ascertain whether or not the provisions of this section are being fully complied with.

(1) The designated electrical inspector shall have the right to charge a reasonable fee, which shall be full and complete compensation for services rendered by it in making the inspection, which fee shall also include the rendering of a written report. The fee shall be paid by the contractor or person performing or installing the electrical wiring or equipment, and no part thereof shall be paid by the city. The fees to be charged and paid for the inspection and issuing of the certificate of approval shall be in accordance with the recognized scale of fees charged for similar work and inspections by the electrical inspector, and shall not be in excess thereof.

(2) The designation of an electrical inspector, as the official inspector under this section, is subject to withdrawal and cancellation at any time by the mayor.

(C) It shall be the duty of the person, firm, or corporation installing electrical wiring or equipment, or repairing or rearranging the same, to notify the designated electrical inspector prior to the time the work is commenced, and also when the work is ready for inspection. It shall be unlawful for any person, firm, or corporation to conceal any such electrical wiring or installations until after same has been reported to the designated electrical inspector and has been inspected and approved by that entity. The designated electrical inspection entity shall furnish and make available forms or blanks for that purpose.

(D) It shall be unlawful for any person, firm, or corporation, including any electric light or power company to connect with or furnish current to any electrical installation within the

corporate limits of the city until after such electrical installations shall have been inspected and approved by the designated electrical inspector and a certificate of approval issued by it.

**§ 150.06 BUILDING PERMIT FEES.**

(A) There is established a fee schedule for building permits and other related matters. Fees required in this schedule are non-refundable, regardless of the outcome of the decision on any permit application.

(B) Purposely commencing construction without a permit or approval of Building Inspector or Planning and Development Services of Kenton County (PDS) shall automatically cause the permit fee due to double.

(C) All residential, commercial, and industrial inspection fees (including cellular towers, fire detection systems, etc.) shall be those set forth in the fee schedule of Planning and Development Services of Kenton County (PDS). The City of Elsmere hereby adopts by reference herein the Schedule of Fees adopted by PDS. PDS shall be permitted to adjust these fees on an annual basis, and the most current PDS fee schedule shall be automatically adopted and be applicable to all Elsmere building inspections.

**§ 150.99 PENALTY.**

(A) Any person who violates any provision of the state codes adopted in § 150.01 shall be guilty of a Class A Misdemeanor and be subject to the following penalties:

(1) Violators of the Uniform State Building Code or the Uniform State Residential Code shall, upon conviction, be subject to a fine of not less than \$10 nor more than \$1,000 for each offense.

(2) Violators of the State Standards of Safety shall, upon conviction, be subject to a fine of not less than \$25 nor more than \$1,000, imprisonment for not more than 30 days, or both, for each offense.

(B) Any person, firm, or corporation violating any other provisions of this chapter shall be guilty of a Class B Misdemeanor and be fined not less than \$100 nor more than \$500, or be imprisoned for not more than 7 days, or both, for each offense. Each day that the person, firm, or corporation violates that section, or any provision thereof, and each day that any prohibited condition is allowed to continue as a result of the work performed or failed to be performed by any person, firm, or corporation, shall constitute a distinct and separate offense.

**SECTION II**

The Zoning Administrator of Planning and Development Services of Kenton County shall be charged with the enforcement of the provisions of the Zoning Code. And administration of all Board of Adjustment Hearings.

~~[That § 154.02, Schedule of Zoning Fees, of the Elsmere Code of Ordinances shall be amended as follows:~~

~~There is established the following fee schedule for zoning permits, appeals, zoning applications, and other matters pertaining to the official zoning code. Fees required in this~~

~~schedule or in any parts of the zoning code shall not be returnable for any cause, regardless of the outcome of the decision on any application. No fee or part thereof shall be refunded once an application has been advertised for public hearing.~~

~~(A) Zoning permits:~~

~~(1) Residential uses—single, two-, and multi-family dwellings:~~

~~(a) New construction:~~

~~1. First two units—\$50.00 per dwelling unit or per single family structure~~

~~2. For each additional unit over 2—\$10.00 per dwelling unit or per single family structure~~

~~(b) Addition to existing dwelling units or existing single family structure (excluding construction of new dwelling units)—\$35.00~~

~~(2) Commercial, industrial, and other nonresidential uses (including new construction or addition to existing building)—\$100.00~~

~~(3) Change in use when the zoning classification and building dimensions are not changed—\$50.00~~

~~(4) Fences, sheds, and other accessory uses (excluding parking, as regulated by division (A)(5) below)—\$40.00~~

~~(5) Off street parking and loading or unloading areas (when developed separately and not included in Section 2 above)—\$50.00~~

~~(6) Home Occupations—\$25.00~~

~~(7) Cell towers/co-location—\$100.00~~

~~(8) Driveways—\$50.00~~

~~(9) Pools (Above Ground or In-Ground)—\$25.00~~

~~(10) Signs—\$50.00~~

~~(11) Fence replacement (if fencing footprint doesn't change)—\$10.00~~

~~(B) Building permits. The fee for a building permit shall be as provided for in the building code of the city as established in this chapter.~~

~~(C) Move and set permits. \$200.00 per unit. (This permit shall serve as both the required zoning permit and transport permit for any manufactured housing).~~

~~(D) Board of Adjustment hearings—Conditional use permits, dimensional variances, changes from one nonconforming use to another, and other appeals.—~~

~~(1) Applications involving residential structure—\$75.00~~

~~(2) Applications involving commercial structure—\$200.00~~

~~(E) Amendments to the Zoning Ordinance. The fee for an amendment to the zoning code shall be as follows (this is in addition to the fees that are required by the Planning Commission):~~

~~(1) Text amendments, plus advertising cost—\$100.00~~

~~(a) For the first 5,000 square feet or less of gross floor area—\$50~~

~~(2) Map amendments (excluding a development plan)—\$75.00~~

~~(3) Map amendment, including submission plus cost of a development plan of review of development plan according to divisions (A) and (B) above.—\$75.00~~

~~(F) Site Plan or Development Plan Review (if not included with zoning permit cost)—\$100.00]~~

### SECTION III

All proceeds of said fees shall be paid into the General Fund of the City of Elsmere, Kentucky, except for those applicable to services provided by Planning and Development Services of Kenton County (PDS) in which case those fees shall be paid to and retained by PDS.

### SECTION IV

Any and all Ordinances in conflict with this Ordinance shall be, and hereby are, repealed to the extent of said conflict.

### SECTION V

The City Clerk is hereby ordered and directed to cause this ordinance to be published.

### SECTION VI

This ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

**CITY OF ELSMERE, KENTUCKY**

  
MAYOR D. MARTY LEMHOF

1<sup>st</sup> Reading: January 8, 2019

2<sup>nd</sup> Reading: February 12, 2019

Ayes: 4 Nays: 0

Published: \_\_\_\_\_

**ATTEST:**

Misty Ezell  
Misty Ezell, City Clerk